

REMARKS

This response addresses the issues raised by the Examiner in the Office Action mailed March 21, 2005. Initially, Applicants would like to thank the Examiner for the careful consideration given in this case. The Claims were 1-3. Claims 1-3 have been currently amended. No new matter has been added by this amendment. Thus, Claims 1-3 are pending in this case all to more clearly and distinctly claim Applicants' invention. In view of the above amendments and the following remarks, Applicants submit that the presently pending claims are in condition for allowance and notification of such is respectfully requested.

Claim Objections

The Examiner objects to Claim 3 because the Applicant states that the volumes are connected to each "one" by a damper. The Examiner states that term "one" seems to be inappropriate.

To expedite prosecution of this application, Applicant has amended Claim 3 by replacing the term "one" with the term "other". No new matter has been added by this amendment. Thus, this objection is rendered moot.

Rejection Based On Nageno Under 35 U.S.C. § 102 (b)

The Examiner rejects Claims 1-3 under 35 U.S.C. § 102 (b) as being anticipated by Nageno. Applicants respectfully traverse this rejection.

Currently amended Claim 1 claims a headphones comprising: at least one headphone ear piece having a housing; said ear piece also having a reproduction system and ear cushions, the latter enclosing the ear or laying on it, a front volume and a rear volume being determined by the reproduction system, the front volume being essentially the volume between the reproduction system and the volume enclosed by the ear cushions and the head and the rear volume being essentially the volume enclosed by the reproduction system and the housing of the headphone ear piece; and an acoustic resistor connecting the housing of the headphone ear piece and the front and the rear volumes; said acoustic resistor being situated inside the housing of the headphone ear piece with respect to the front volume behind a plane which is determined by a sound outlet aperture of the housing.

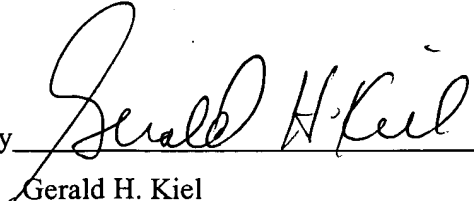
For a rejection to be sustained under 35 U.S.C. § 102 (b) each an every element of the claimed invention must be disclosed or cited in the prior art reference. Nageno discloses a headphone ear piece including a housing. The Nageno reproduction system including

reference numerals 11-15 is arranged inside the housing between the reproduction system and the head of the wearer of the headphones. The first volume in Nagano extends from the reproduction system to the ear of a wearer of the headphones and is limited by a part of the housing 15. A second volume in Nagano is present between the part 51, the ear cushions 4 and the ear of a wearer of the headphone. Accordingly, Nagano discloses that both the first and second volume is arranged in an area between the reproduction system and the ear of a wearer of the headphones. Nagano does not disclose a rear volume which is enclosed by the reproduction system and the housing of the headphone ear piece. Nagano instead discloses that first and second chamber is both arranged in front of the reproduction system, i.e. between the reproduction system and the ear or head of a user. Further, Nagano provides an additional front volume to provide an acoustic equalizer for adapting the frequency response of the headphone. The acoustic resistor in Nagano adjusts the performance of the acoustic filter in the equalizer network. In the present invention, the acoustic resistance is used to adapt the acoustic pressure inside the pressure chamber.

In the present invention, the front volume corresponds to the volume between the reproduction system and the head of the wearer, while the rear volume corresponds to the volume between the reproduction system and the housing of the headphone ear piece. Accordingly, in the present invention the volume in the front of the reproduction system with respect to the head is considered as the front volume, while the volume behind the reproduction set in the opposite direction is considered as the rear volume. However, Nagano does not teach or disclose this feature of the present invention. Accordingly, Nagano does not disclose each and every claim element of the claimed invention. Therefore, Applicants respectfully requests that the rejection under 35 U.S.C. § 102 (b) be reconsidered and withdrawn.

In view of the remarks presented herein, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

Dated: July 20, 2005

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